

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CURTIS UPLINGER,

Plaintiff,

vs.

MIDLAND FUNDING, LLC,

Defendant.

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: Case No. 2:21-cv-91
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NOTICE OF REMOVAL

Defendant, Midland Funding, LLC (“Defendant”), by and through its undersigned counsel, hereby files this Notice of Removal pursuant to 28 U.S.C. §1441(a). The grounds for this removal are set forth as follows:

1. On or about December 22, 2020, Plaintiff, Curtis Uplinger (the “Plaintiff”), filed a Complaint in the Court of Common Pleas of Allegheny County, Pennsylvania entitled *Curtis Uplinger v. Midland Funding, LLC*, at Docket Number 20-011920 (the “State Court Action”).

2. Pursuant to § 1446(a), a copy of the Complaint, which constitutes copies of all “process, pleadings, and orders” in the State Court Action is attached hereto as **Exhibit 1**. Please note that the Complaint includes a Confidential Document Form under 204 Pa.Code §213.81 that was submitted by Plaintiff in connection with the Complaint. The Confidential Document Form is being provided as part of **Exhibit 1**. The corresponding Exhibits of the Complaint that were filed with the Confidential Document Form, namely, Exhibits D, E and F, have been fully redacted out of an abundance of caution.

3. Plaintiff’s Complaint arises out of the allegations that Midland violated the Fair Debt Collection Practices Act, 15, U.S.C. §1692, *et seq.* (hereinafter, the “FDCA”), along with

state law claims, in connection with certain payments that were allegedly withdrawn from Plaintiff's personal banking account along with allegations that Defendant caused inaccurate information to be furnished to credit reporting agencies regarding Plaintiff's account.

4. Plaintiff's action is a civil action over which this Court has original jurisdiction under 28 U.S.C. §1331 and is one which may be removed to this Court by Defendant pursuant to the provisions of 28 U.S.C. §1441(a) because the Count Two of the Complaint alleges violations against Defendant under the FDCPA.

5. Pursuant to 28 U.S.C. § 1367, to the extent jurisdiction is not otherwise provided in this Notice, Midland respectfully requests that this Court exercise supplemental jurisdiction over Plaintiff's state law claims, as such claims are so related to Plaintiff's federal claims "that they form part of the same case or controversy under Article III of the United States Constitution."

6. This Notice of Removal is being timely filed within thirty (30) days of receipt of the Complaint as required by 28 U.S.C. §1446(b).

7. Pursuant to 28 U.S.C. §1446(d), a copy of this Notice of Removal is being served upon Plaintiff and a copy is being filed with the Prothonotary for the Court of Common Pleas of Allegheny County, Pennsylvania.

8. A copy of the Notice of Filing of Notice of Removal, which is being filed with the clerk of the state court in which the action is pending (and which will be served on Plaintiff's counsel pursuant to 28 U.S.C. § 1446(d)), is attached hereto as **Exhibit 2**.

9. This Court is part of the "district and division" embracing the place where the Complaint was filed—Allegheny County, Pennsylvania—and so this Court is the proper venue for purposes of removal. 28 U.S.C. § 1446(a).

10. This Notice of Removal is signed pursuant to Fed. R. Civ. P. 11. *See* 28 U.S.C. § 1446(a).

11. If Plaintiff seeks to remand this case, or this Court considers remand *sua sponte*, Defendant respectfully requests the opportunity to submit such additional argument or evidence in support of removal as may be necessary.

WHEREFORE, Midland Funding, LLC respectfully requests that this action be removed to the United States District Court for the Western District of Pennsylvania.

Respectfully submitted,

BLANK ROME, LLP

Dated: January 21, 2021

/s/ Michael P. Trainor

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CERTIFICATE OF SERVICE

I, Michael P. Trainor, hereby certify that a true and correct copy of the foregoing document was served upon the following individuals via electronic and regular mail.

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